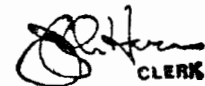


FILED

AUG 03 2005


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

JOHN M. JENNERS,

Defendant.

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CR 03-10032-01

ORDER AND OPINION ON
MOTION FOR COPIES OF DOCUMENTS

Defendant pleaded guilty to conspiracy to commit bank fraud and counterfeiting and was sentenced to concurrent terms of 60 and 108 months imprisonment on October 12, 2004. He did not appeal his convictions or sentences.

Defendant has filed a motion (Doc. 62) for copies of the transcripts of his change of plea and sentencing hearings. Pursuant to Rule 6 of the Rules Governing § 2255 Proceedings, a petitioner may invoke the discovery process with leave of Court. However, there is no § 2255 proceeding pending. Defendant has one year from the date his conviction became final within which to file a § 2255 motion. 28 U.S.C. § 2255.

Defendant's criminal case is closed. Therefore, this Court has no jurisdiction to rule on defendant's motion. United States v. Gleason, 753 F.2d 83, 85 (8th Cir. 1985). Defendant may contact the Clerk's office to make arrangements to prepay for copies of his file. There were no transcripts prepared of his plea or sentencing hearings.

Defendant has requested that he be sent forms for filing a motion to vacate pursuant to 28 U.S.C. § 2255 and a motion to proceed *in forma pauperis*. That request should be granted.

Now, therefore,

IT IS ORDERED:

1. Defendant's motion (Doc. 62) for copies is denied.

2. Defendant's request for copies of forms required to file a motion to vacate and a motion to proceed *in forma pauperis* is granted. The Clerk shall forward copies of such forms to the defendant at FCI Waseca.

Dated this 3rd day of August, 2005.

BY THE COURT:

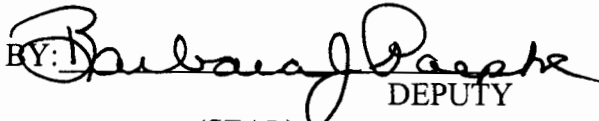


CHARLES B. KORNMANN

U.S. District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY:  DEPUTY
(SEAL)